18067560

Workmen's Compensation Act

OF THE

STATE OF ILLINOIS

In Force July, 1, 1923

COMPILED BY

DEPARTMENT OF LABOR

LEN SMALL, Governor

[Printed by authority of the State of Illinois.]

Workmen's Compensation Act

OF THE

STATE OF ILLINOIS

In Force July 1, 1923

COMPILED BY

DEPARTMENT OF LABOR

Industrial Commission

Ernest Withall, *Chairman*
John Brenholt
C. E. Anderson
John B. French
William M. Scanlan

George B. Arnold, *Director*
Richard L. Dye, *Assistant Director*

[Printed by authority of the State of Illinois.]

ILLINOIS STATE LIBRARY

3 1129 00465 6575

7313281

SCHNEPP & BARNES, PRINTERS
SPRINGFIELD, ILL.
1923

6924—15M

I344.Q21
LWCA
1923
c.3

Workmens' Compensation Act.

AN ACT *to promote the general welfare of the people of this State by providing compensation for accidental injuries or death suffered in the course of employment within this State; providing for the enforcement and administering thereof, and a penalty for its violation, and repealing an Act entitled, "An Act to promote the general welfare of the people of this State by providing compensation for accidental injuries or death suffered in the course of employment," approved June 10, 1911, in force May 1, 1912.* [*Approved June 28, 1913, in force July 1, 1913, with amendments in force July 1, 1923.*

SECTION 1. EMPLOYER—NOTICE.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an employer in this State, who does not come within the classes enumerated by section three (3) of this Act, may elect to provide and pay compensation for accidental injuries sustained by any employee arising out of and in the course of the employment according to the provisions of this Act, and thereby relieve himself from any liability for the recovery of damages, except as herein provided.

(a) Election by any employer to provide and pay compensation according to the provisions of this Act shall be made by the employer filing notice of such election with the industrial board.

(b) Every employer within the provisions of this Act who has elected to provided (provide) and pay compensation according to the provisions of this Act, shall be bound thereby as to all his employees until January 1st of the next succeeding year and for terms of each year thereafter: *Provided,* any such employer who may have once elected, may elect not to provide and pay the compensation herein provided for accidents resulting in either injury or death and occurring after the expiration of any such calendar year by filing notice of such election with the industrial board at least sixty days prior to the expiration of any such calendar year, and by posting such notice at a conspicuous place in the plant, shop, office, room or place where such employee is employed, or by personal service, in written or printed form, upon such employees, at least sixty (60) days prior to the expiration of any such calendar year.

(c) In the event any employer mentioned in this section, elects to provide and pay the compensation provided in this Act, then every employee of such employer, as a part of his contract of hiring or who may be employed at the time of the taking effect of this Act and the acceptance of its provisions by such employer, shall be deemed to have accepted all the provisions of this Act and shall be bound thereby unless within thirty (30) days after such hiring or after the taking

effect of this Act, and its acceptance by such employee, he shall file a notice to the contrary with the industrial board, whose duty it shall be to immediately notify the employer, and until such notice to the contrary is given to the employer, the measure of liability of such employer shall be determined according to the compensation provisions of this Act: *Provided, however,* that any employee may withdraw from the operation of this Act upon filing a written notice of withdrawal at least ten (10) days prior to January 1st, of any year with the industrial board, whose duty it shall be to immediately notify such employer by registered mail, and, until such notice to the contrary is given to such employer, the measure of liability of such employer shall be determined according to the compensation provisions of this Act.

(d) Any such employer or employees may, without prejudice to any existing right or claim, withdraw his election to reject this Act by giving thirty (30) days' written notice in such manner and form as may be provided by the industrial board. [Amended by Act approved June 29, 1921.

§ 2. Repealed.] Section two of an Act entitled, "An Act to promote the general welfare of the people of this State by providing compensation for accidental injuries or death suffered in the course of employment within this State; providing for the enforcement and administering thereof, and a penalty for its violation, and repealing an Act entitled, 'An Act to promote the general welfare of the people of this State by providing compensation for accidental injuries or death suffered in the course of employment, approved June 10, 1911, in force May 1, 1912," approved June 28, 1913, in force July 1, 1913, as subsequently amended, is hereby repealed. [Amended by Act approved June 25, 1917.

§ 3. Applies automatically.] The provisions of this Act hereinafter following shall apply automatically and without election to the State, county, city, town, township, incorporated village or school district, body politic or municipal corporation, and to all employers and all their employees engaged in any department of the following enterprises or businesses which are declared to be extra hazardous, namely:

1. The erection, maintaining, removing, remodeling, altering or demolishing of any structure, except as provided in sub-paragraph 8 of this section.

2. Construction, excavating or electrical work, except as provided in sub-paragraph 8 of this section.

3. Carriage by land or water and loading or unloading in connection therewith, including the distribution of any commodity by horse-drawn or motor driven vehicle where the employer employs more than three employees in the enterprise or business, except as provided in sub-paragraph 8 of this section.

4. The operation of any warehouse or general or terminal storehouses.

5. Mining, surface mining or quarrying.

6. Any enterprise in which explosive-materials are manufactured, handled or used in dangerous quantities.

7. In any enterprise wherein molten metal, or explosive or injurious gases or vapors, or inflammable vapors or fluids, or corrosive acids are manufactured, used, generated, stored or conveyed in dangerous quantities.

8. In any enterprise in which statutory or municipal ordinance regulations are now or shall hereafter be imposed for the regulating, guarding, use or the placing of machinery or appliances or for the protection and safeguarding of the employees or the public therein; each of which occupations, enterprises or businesses are hereby declared to be extra hazardous: *Provided,* nothing contained herein shall be construed to apply to any work, employment or operations done, had or conducted by farmers and others engaged in farming, tillage of the soil, or stock raising, or to those who rent, demise or lease land for any such purposes, or to any one in their employ or to any work done on a farm or country place, no matter what kind of work or service is being done or rendered. [Amended by Act approved June 29, 1921.

§ 3½. PLEADINGS—CERTIFICATE.] (a) If the plaintiff in any action mentioned in section 3 shall in his declaration or in his other pleading allege that the employer has filed notice of his election not to provide and pay compensation according to the provisions of the Workmen's Compensation Act and such allegation be not denied by a verified pleading, then such employer shall for the purpose of that action be conclusively presumed to have filed his notice of non-election.

(b) A certificate of the fact of the filing by an employer of the notice of non-election provided in section 2 and of the non-withdrawal thereof shall be *prima facie* proof in any action mentioned in section 3 of the fact of the filing of such notice of non-election and of the non-withdrawal thereof. Such certificate may be under the seal of the industrial board and signed by any member or the secretary thereof, of which seal and signature as such officer the court shall take judicial notice. Said certificate may be in substantially the following form:

This is to certify that the attached is a correct copy of notice filed with the industrial board by.....on the .....day of.....19...., electing not to provide and pay compensation according to the provisions of the Workmen's Compensation Act of Illinois, and that the original of said notice is now on file in the office of the industrial board and has not been withdrawn since the date of the filing thereof.

In witness whereof, this certificate has been subscribed and the seal of the industrial board affixed this....day of....., 19...

.....,

.....of Industrial Board.

[Amended by Act approved May 31, 1917.

§ 4. TERM "EMPLOYER"—HOW CONSTRUED.] The term "employer" as used in this Act shall be construed to be:

First—The State, and each county, city, town, township, incorporated village, school district, body politic, or municipal corporation therein.

Second—Every person, firm, public or private corporation, including hospitals, public service, eleemosynary, religious or charitable, corporations or associations who has any person in service or under any contract for hire, express or implied, oral or written, and who is engaged in any of the enterprises or businesses enumerated in section three (3) of this Act, or who at or prior to the time of the accident to the employee for which compensation under this Act may be claimed, shall in the manner provided in this Act, have elected to become subject to the provisions of this Act, and who shall not, prior to such accident, have effected a withdrawal of such election in the manner provided in this Act. [Amended by Act approved June 25, 1917.

§ 5. TERM "EMPLOYEE"—HOW CONSTRUED.] The term "employee" as used in this Act, shall be construed to mean:

First—Every person in the service of the State, county, city, town, township, incorporated village or school district, body politic or municipal corporations therein, under appointment or contract of hire, express or implied, oral or written, except any official of the State, or of any county, city, town, township, incorporated village, school district, body politic or municipal corporation therein and except any duly appointed member of the fire department in any city whose population exceeds two hundred thousand according to the last Federal or State census: *Provided,* that any such employee, his personal representative, beneficiaries or heirs, who is, are or shall be entitled to receive a pension or benefit for or on account of disability or death arising out of or in the course of his employment from a pension or benefit fund to which the State or any county, town, township, incorporated village, school district, body politic or municipal corporation therein is a contributor, in whole or in part, shall be entitled to receive only such part of such pension or benefit as is in excess of the amount of compensation recovered and received by such employee, his personal representative, beneficiaries or heirs under this Act. *And, provided, further,* that one employed by a contractor who has contracted with the State, or a county, city, town, township, incorporated village, school district, body politic or municipal corporation, therein, through its representatives, shall not be considered as an employee of the State, county, city, town, township, incorporated village, school district, body politic or municipal corporation which made the contract.

Second—Every person in the service of another under any contract of hire, express or implied, oral or written, including aliens, and minors who are legally permitted to work under the laws of the State, who, for the purpose of this Act, shall be considered the same and have the same power to contract, receive payments and give quittances therefor, as adult employees, but not including any

person who is not engaged in the usual course of the trade, business, profession or occupation of his employer: *Provided,* that employees shall not be included within the provisions of this Act when excluded by the laws of the United States relating to liability of employers to their employees for personal injuries where such laws are held to be exclusive. [Amended by Act approved and in force June 21, 1923.

§ 6. EMPLOYEE'S RIGHT TO RECOVER DAMAGES.] No common law or statutory right to recover damages for injury or death sustained by an employee while engaged in the line of his duty as such employee other than the compensation herein provided shall be available to any employee who is covered by the provisions of this Act, to any one wholly or partially dependent upon him, the legal representatives of his estate, or any one otherwise entitled to recover damages for such injury.

§ 7. AMOUNT OF COMPENSATION FOR INJURY RESULTING IN DEATH.] The amount of compensation which shall be paid for an injury to the employee resulting in death shall be:

(a) If the employee leaves any widow, child or children whom he was under legal obligations to support at the time of his injury, a sum equal to four times the average annual earnings of the employee, but not less in any event than one thousand six hundred fifty dollars and not more in any event than three thousand seven hundred and fifty dollars.

Any compensation payments other than necessary medical, surgical or hospital fees or services shall be deducted in ascertaining the amount payable on death.

(b) If no amount is payable under paragraph (a) of this section and the employee leaves any parent, husband, child or children who at the time of injury were totally dependent upon the earnings of the employee, then a sum equal to four times the average annual earnings of the employee, but not less in any event than one thousand six hundred fifty dollars, and not more in any event than three thousand seven hundred fifty dollars.

(c) If no amount is payable under paragraph (a) or (b) of this section and the employee leaves any parent, child or children, grandparent or grandchild, who at the time of injury were dependent upon the earnings of the employee, then such proportion of a sum equal to four times the average annual earnings of the employee as such dependency bears to total dependency, but not less in any event than one thousand six hundred fifty dollars and not more in any event than three thousand seven hundred fifty dollars. Any compensation payments other than necessary medical, surgical or hospital fees or services shall be deducted in ascertaining the amounts payable on death.

(d) If no amount is payable under paragraphs (a), (b) or (c) of this section and the employee leaves collateral heirs dependent at the time of the injury to the employee upon his earnings, such a percentage of the sum provided in paragraph (a) of this section as the average annual contributions which the deceased made to the

support of such dependent collateral heirs during the two years preceding the injury bears to his average annual earnings during such two years.

(e) If no amount is payable under paragraphs (a), (b), (c) or (d) of this section, a sum not to exceed one hundred and fifty dollars for burial expenses to be paid by the employer to the undertaker or to the person or persons incurring the expense of burial.

(f) All compensation, except for burial expenses provided in this section to be paid in case injury results in death, shall be paid in installments equal to the percentage of the average earnings as provided for in section 8 of this Act, at the same intervals at which the wages or earnings of the employees were paid; or if this shall not be feasible, then the installments shall be paid weekly: *Provided,* such compensation may be paid in a lump sum upon petition as provided in section 9 of this Act.

(g) The compensation to be paid for injury which results in death, as provided in this section, shall be paid to the persons who form the basis for determining the amount of compensation to be paid by the employer, the respective shares to be in the proportion of their respective dependency at the time of the injury on the earnings of the deceased: *Provided,* that the industrial commission or an arbitrator thereof may, in its or his discretion, order or award the payment to the parent or grandparent of a child for the latter's support the amount of compensation which but for such order or award would have been paid to such child as its share of the compensation payable, which order or award may be modified from time to time by the commission in its discretion with respect to the persons to whom shall be paid the amount of said order or award remaining unpaid at the time of said modification.

The payments of compensation by the employer in accordance with the order or award of the industrial commission shall discharge such employer from all further obligation as to such compensation.

In a case where any of the persons who would be entitled to compensation is living at any place outside of the United States, then payment shall be made to the personal representative of the deceased employee. The distribution by such personal representative to the persons entitled shall be made to such persons and in such manner as the commission shall order.

(h) 1. Whenever in paragraph (a) of this section a minimum of one thousand six hundred fifty dollars is provided, such minimum shall be increased in the following cases to the following amounts:

One thousand seven hundred fifty dollars in case of a widow and one child under the age of 16 years at the time of the death of the employee.

One thousand eight hundred fifty dollars in case of a widow and two or more children under the age of 16 years at the time of the death of the employee.

2. Wherever in paragraph (a) of this section a maximum of three thousand seven hundred fifty dollars is provided, such maximum shall be increased in the following cases to the following amounts;

Four thousand dollars in case of a widow and one child under the age of 16 years at the time of the death of the employee.

Four thousand two hundred fifty dollars in case of a widow and two or more children under the age of 16 years at the time of the death of the employee. [Amended by Act approved June 29, 1921.

§ 8. AMOUNT OF COMPENSATION.] The amount of compensation which shall be paid to the employee for an inquiry not resulting in death shall be:

(a) The employer shall provide the necessary first aid medical and surgical services; all necessary hospital services during the period for which compensation may be payable; also all necessary medical and surgical services for a period not longer than eight weeks, not to exceed, however, an amount of two hundred dollars, and in addition such medical or surgical services in excess of such limits as may be necessary during the time such hospital services are furnished. All the foregoing services shall be limited to those which are reasonably required to cure and relieve from the effects of the injury. The employee may elect to secure his own physician, surgeon or hospital services at his own expense.

(b) If the period of temporary total incapacity for work lasts for more than six working days, compensation equal to fifty percentum of the earnings, but not less than $7.50 nor more than $14.00 per week, beginning on the eighth day of such temporary total incapacity and continuing as long as the temporary total incapacity lasts, but not after the amount of compensation paid equals the amount which would have been payable as a death benefit under paragraph (a), section 7, if the employee had died as a result of the injury at the time thereof, leaving heirs surviving as provided in said paragraph (a), section 7: *Provided,* that in the case where temporary total incapacity for work continues for a period of four weeks from the day of the injury, then compensation shall commence on the day after the injury.

(c) For any serious and permanent disfigurement to the hand, head or face, the employee shall be entitled to compensation for such disfigurement, the amount fixed by agreement or by arbitration in accordance with the provisions of this Act, which amount shall not exceed one-quarter of the amount of the compensation which would have been payable as a death benefit under paragraph (a), section 7, if the employee had died as a result of the injury at the time thereof, leaving heirs surviving, as provided in said paragraph (a), section 7: *Provided,* that no compensation shall be payable under this paragraph where compensation is payable under paragraph (d), (e) or (f) of this section: *And, provided, further,* that when the disfigurement is to the hand, head or face as a result of any injury, for which injury compensation is not payable under paragraph (d), (e) or (f) of this section, compensation for such disfigurement may be had under this paragraph.

(d) If, after the injury has been sustained, the employee as a result thereof becomes partially incapacitated from pursuing his usual and customary line of employment, he shall, except in the cases covered by the specific schedule set forth in paragraph (e) of this section,

receive compensation, subject to the limitations as to time and maximum amounts fixed in paragraphs (b) and (h) of this section, equal to fifty percentum of the difference between the average amount which he earned before the accident, and the average amount which he is earning or is able to earn in some suitable employment or business after the accident.

(e) For injuries in the following schedule, the employee shall receive in addition to compensation during the period of temporary total incapacity for work resulting from such injury, in accordance with the provisions of paragraphs (a) and (b) of this section, compensation, for a further period, subject to the limitations as to time and amounts fixed in paragraphs (b) and (h) of this section, for the specific loss herein mentioned, as follows, but shall not receive any compensation for such injuries under any other provisions of this Act.

1. For the loss of a thumb, or the permanent and complete loss of its use, fifty percenum of the average weekly wage during sixty weeks:

2. For the loss of a first finger, commonly called the index finger, or the permanent and complete loss of its use, fifty percentum of the average weekly wage during thirty-five weeks:

3. For the loss of a second finger, or the permanent and complete loss of its use, fifty percentum of the average weekly wage during thirty weeks:

4. For the loss of a third finger, or the permanent and complete loss of its use, fifty percentum of the average weekly wage during twenty weeks:

5. For the loss of a fourth finger, commonly called the little finger, or the permanent and complete loss of its use, fifty percentum of the average weekly wage during fifteen weeks:

6. The loss of the first phalange of the thumb or of any finger, shall be considered to be equal to the loss of one-half of such thumb or finger and compensation shall be one-half the amounts above specified.

7. The loss of more than one phalange shall be considered as the loss of the entire finger or thumb: *Provided, however,* that in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

8. For the loss of a great toe, fifty percentum of the average weekly wage during thirty weeks.

9. For the loss of one toe other than the great toe, fifty percentum of the average weekly wage during ten weeks, and for the additional loss of one or more toes other than the great toe, fifty percentum of the average weekly wage during an additional ten weeks.

10. The loss of the first phalange of any toe shall be considered to be the equal to the loss of one-half of such toe, and compensation shall be one-half of the amount above specified.

11. The loss of more than one phalange shall be considered as the loss of the entire toe.

12. For the loss of a hand, or the permanent and complete loss of its use, fifty percentum of the average weekly wage during one hundred and fifty weeks;

13. For the loss of an arm or the permanent and complete loss of its use, fifty percentum of the average weekly wage during two hundred weeks;

14. For the loss of a foot or the permanent and complete loss of its use, fifty percentum of the average weekly wage, during one hundred and twenty-five weeks;

15. For the loss of a leg, or the permanent and complete loss of its use, fifty percentum of the average weekly wage, during one hundred and seventy-five weeks.

16. For the loss of the sight of an eye or for the permanent and complete loss of its use, fifty percentum of the average weekly wage during one hundred weeks;

17. For the permanent partial loss of use of a member or sight of an eye, fifty percentum of the average weekly wage during that portion of the number of weeks in the foregoing schedule provided for the loss of such member or sight of an eye which the partial loss of use thereof bears to the total loss of use of such member or sight of eye.

18. The loss of both hands, or both arms, or both feet, or both legs, or both eyes, or of any two thereof, or the permanent and complete loss of use thereof, shall constitute total and permanent disability, to be compensated according to the compensation fixed by paragraph (f) of this section: *Provided,* that these specific cases of total and permanent disability shall not be construed as excluding other cases.

(f) In case of complete disability, which renders the employees wholly and permanent incapable of work, compensation equal to fifty percentum of his earnings but not less than $7.50 nor more than $14.00 per week, commencing on the day after the injury, and continuing until the amount paid equals the amount which would have been payable as a death benefit under paragraph (a), section 7, it the employee had died as a result of the injury at the time thereof, leaving heirs surviving as provided in said paragraph (a), section 7, and thereafter a pension during life annually equal to 8 per cent of the amount which would have been payable as a death benefit under paragraph (a), section 7, if the employee had died as a result of the injury at the time thereof, leaving heirs surviving, as provided in said paragraph (a) section 7. Such pension shall not be less than $10.00 per month and shall be payable monthly: *Provided,* any employee who receives an award under this paragraph and afterwards returns to work, or is able to do so, and who earns or is able to earn as much as before the injury, payments under such award shall cease; if such employee returns to work, or is able to do so and earns or is able to earn part but not as much as before the injury, such award shall be modified so as to conform to an award under paragraph (h) of this section: *Provided, further,* that disability as enumer-

ated in subdivision 18, paragraph (e) of this section shall be considered complete disability.

(g) In case death occurs as a result of the injury before the total of the payments made equals the amount payable as a death benefit, then in case the employee leaves any widow, child or children, parents, grandparents, or other lineal heirs, entitled to compensation under section 7, the difference between the compensation for death and the sum of the payments made to the employee, shall be paid to the beneficiaries of the deceased employee, and distributed as provided in paragraph (f) of section 7, but in no case shall the amount payable under this paragraph be less than $500.00.

(h) In no event shall the compensation to be paid exceed fifty percentum of the average weekly wage, or exceed $14.00 per week in amount; nor, except in case of complete disability, as defined above, shall any payments extend over a period of more than eight years from the date of the accident. In case an injured employee shall be incompetent at the time when any right or privilege accrues to him under the provisions of this Act, a conservator or guardian may be appointed pursuant to law, and may, on behalf of such incompetent, claim and exercise any such right or privilege with the same force and effect as if the employee himself had been competent and had claimed or exercised said right or privilege; and no limitations of time by this Act provided shall run so long as said incompetent employee is without a conservator or a guardian.

(i) All compensation provided for in paragraphs (b), (c), (d), (e) and (f) of this section, other than case of pension for life, shall be paid in installments at the same intervals at which the wages or earnings of the employee were paid at the time of the injury, or if this shall not be feasible, then the installments shall be paid weekly.

(j) 1. Wherever in this section there is a provision for fifty percentum, such percentum shall be increased five percentum for each child of the employee under 16 years of age at the time of the injury to the employee until such percentum shall reach a maximum of sixty-five percentum.

2. Wherever in this section a weekly minimum of $7.50 is provided, such minimum shall be increased in the following cases to the following amounts:

$8.50 in case of any employee having one child under the age of 16 years at the time of the injury to the employee:

$9.50 in a case of an employee having two children under the age of 16 years at the time of the injury to the employee;

$10.50 in a case of an employee having three or more children under the age of 16 years at the time of the injury to the employee.

3. Wherever in this section a weekly maximum of $14.00 is provided, such maximum shall be increased in the following cases to the following amounts:

$15.00 dollars in case of an employee with one child under the age of 16 years at the time of the injury to the employee.

$16.00 in case of an employee with two children under the age of 16 years at the time of injury to the employee.

$17.00 in case of an employee with three or more children under the age of 16 years at the time of injury to the employee. [Amended by Act approved June 29, 1921.

§ 9. WHERE PAYMENT IN LUMP SUM DESIRED.] Any employer or employee or beneficiary who shall desire to have such compensation, or any unpaid part thereof, paid in a lump sum, may petition the industrial board, asking that such compensation be so paid, and if, upon proper notice to the interested parties and a proper showing made before such board, it appears to the interest of the parties that such compensation be so paid, the board may order the commutation of the compensation to an equivalent lump sum, which commutation shall be an amount which will equal the total sum of the probably future payments capitalized at their present value upon the basis of interest calculated at three per centum per annum with annual rests: *Provided,* that in cases indicating complete disability no petition for a commutation to a lump sum basis shall be entertained by the industrial board until after the expiration of six months from the date of the injury, and where necessary, upon proper application being made, a guardian, conservator or administrator, as the case may be, may be appointed for any person under disability who may be entitled to any such compensation, and an employer bound by the terms of this Act and liable to pay such compensation, may petition for the appointment of the public administrator, or a conservator, or guardian, where no legal representative has been appointed or is acting for such party or parties so under disability. Either party may reject an award of a lump sum payment of compensation, except an award for compensation under section 7 or paragraph (e) of section 8 or for the injuries defined in the last paragraph of paragraph (e) of section 8 as constituting total and permanent disability, by filing his written rejection thereof with the said board within ten days after notice to him of the award, in which event compensation shall be payable in installments as herein provided. [As amended by Act approved June 28, 1915; in force July 1, 1915.

§ 10. BASIS FOR COMPUTING COMPENSATION.] The basis for computing the compensation provided for in sections 7 and 8 of the Act shall be as follows:

(a) The compensation shall be computed on the basis of the annual earnings which the injured person received as salary, wages or earnings if in the employment of the same employer continuously during the year next preceding the injury.

(b) Employment by the same employer shall be taken to mean employment by the same employer in the grade in which the employee was employed at the time of the accident, uninterrupted by absence from work due to illness or any other unavoidable cause.

(c) If the injured person has not been engaged in the employment of the same employer for the full year immediately preceding the accident, the compensation shall be computed according to the annual earnings which persons of the same class in the same employment and same location, (or if that be impracticable, of neighboring employments of the same kind) have earned during such period.

(d) As to employees in employments in which it is the custom to operate throughout the working days of the year, the annual earnings, if not otherwise determinable, shall be regarded as 300 times the average daily earnings in such computation.

(e) As to employees in employments in which it is the custom to operate for a part of the whole number of working days in each year, such number, if the annual earnings are not otherwise determinable, shall be used instead of 300 as a basis for computing the annual earnings: *Provided,* the minimum number of days which shall be so used for the basis of the year's work shall not be less than 200.

(f) In the case of injured employees who earn either no wage or less than the earnings of adult day laborers in the same line of employment in that locality, the yearly wage shall be reckoned according to the average annual earning of adults of the same class in the same (or if that is impracticable then of neighboring) employments.

(g) Earnings, for the purpose of this section, shall be based on the earnings for the number of hours commonly regarded as a day's work for that employment, and shall exclude overtime earnings. The earnings shall not include any sum which the employer has been accustomed to pay the employee to cover any special expense entailed on him by the nature of his employment.

(h) In computing the compensation to be paid to any employee, who, before the accident for which he claims compensation, was disabled and drawing compensation under the terms of this Act, the compensation for each subsequent injury shall be apportioned according to the proportion of incapacity and disability caused by the respective injuries which he may have suffered.

(i) To determine the amount of compensation for each installment period, the amount per annum shall be ascertained pursuant hereto, and such amount divided by the number of installment periods per annum.

§ 11. COMPENSATION MEASURE OF RESPONSIBILITY EMPLOYER ASSUMED UNDER ACT.] The compensation herein provided, together with the provisions of this Act shall be the measure of the responsibility of any employer engaged in any of the enterprises or businesses enumerated in section three (3) of this Act, or of any employer who is not engaged in any such enterprises or businesses, but who has elected to provide and pay compensation for accidental injuries sustained by any employee arising out of and in the course of the employment according to the provision of this Act, and whose election to continue under this Act, has not been nullified by any action of his employees as provided for in this Act. [Amended by Act approved June 25, 1917.

§ 12. INJURED EMPLOYEE MUST SUBMIT TO EXAMINATION.] An employee entitled to receive disability payments shall be required, if requested by the employer, to submit himself, at the expense of the employer, for examination to a duly qualified medical practitioner or surgeon selected by the employer at a time and place reasonably convenient for the employee, as soon as practicable after the injury, and also one week after the first examination and thereafter at intervals not oftener than once every four weeks, which examination shall be

for the purpose of determining the nature extent and probable duration of the injury received by the employee, and for the purpose of ascertaining the amount of compensation which may be due the employee from time to time for disability according to the provisions of this Act: *Provided, however,* that such examination shall be made in the presence of a duly qualified medical practitioner or surgeon provided and paid for by the employee, if such employee so desires: *Provided, further,* that such examination shall not be made on the day of the hearing. In all cases where the examination is made by a surgeon engaged by the employer, and the injured employee has no surgeon present at such examination, it shall be the duty of the surgeon making the examination at the instance of the employer to deliver to the injured employee, upon his request, or that of his representative, a statement in writing of the condition and extent of the injury to the same extent that said surgeon reports to the employer. If the employee refuses so to submit himself to examination or unnecessarily obstructs the same, his right to compensation payments shall be temporarily suspended until such examination shall have taken place, and no compensation shall be payable under this Act for such period. It shall be the duty of surgeons treating an injured employee who is likely to die, and treating him at the instance of the employer to have called in another surgeon to be designated and paid for by either the injured employee or by the person or persons who would become his beneficiary or beneficiaries, to make an examination before the death of such injured employee. [Amended by Act approved June 29, 1921.

§ 13a. INDUSTRAIL BOARD CREATED — APPOINTMENT — TERM OF OFFICE.] There is hereby created a board which shall be known as the industrial board to consist of five members to be appointed by the Governor, by and with the consent of the Senate, two of whom shall be representative citizens of the employing class operating under this Act and two of whom shall be representative citizens of the class of employees operating under this Act, and one of whom shall be a representative citizen not identified with either the employing or employee classes and who shall be designated by the Governor as chairman. Appointment of members to places on the first board or to fill vacancies on said board may be made during recesses of the Senate, but shall be subject to confirmation by the Senate at the next ensuing session of the Legislature.

(b) When there shall become effective the Act known as "The Civil Administrative Code of Illinois," being an Act entitled "An Act in relation to the civil administration of the State government," there shall thereupon be vested in the industrial commission and the industrial officers thereof by said Act created, all of the powers and duties vested in the industrial board by the Workmen's Compensation Act, and thereupon wherever in the Workmen's Compensation Act reference shall be made to the industrial board, the board or to any member thereof, it shall be construed as referring and shall apply

to the said industrial commission, the said commission, and any industrial officer thereof, respectively. [Amended by Act approved June 25, 1917.

§ 14. SALARY—SECRETARY—CLERKS—SEAL.] The salary of each of the members of the commission appointed by the Governor shall be six thousand dollars ($6,000,00) per year, except that the salary of the chairman shall be seven thousand five hundred dollars ($7,500.00) per year. The commission shall appoint a secretary, whose salary shall be five thousand dollars ($5,000.00) per year, and shall employ such assistants and clerical help as may be necessary.

The salary of the arbitrators designated by the commission shall be at the rate of four thousand two hundred dollars per year.

The members of the commission and the arbitrators shall have reimbursed to them their actual traveling expenses and disbursements made or incurred by them in the discharge of their official duties while away from their places of residence in the performance of their duties. The commission shall provide itself with a seal for the authentication of its orders, awards and proceedings upon which shall be inscribed the name of the commission and the words "Illinois-Seal." [Amended by Act approved June 21, 1921.

§ 15. JURISDICTION—DUTIES.] The industrial board shall have jurisdicition over the operation and administration of this Act, and said board shall perform all the duties imposed upon it by this Act, and such further duties as may hereafter be imposed by law and the rules of the board not inconsistent therewith.

§ 16. RULES AND ORDERS—PROCEDURE—POWERS.] The board may make rules and orders for carrying out the duties imposed upon it by law, which rules and orders shall be deemed *prima facie* reasonable and valid; and the process and procedure before the board shall be as simple and summary as reasonably may be. The board upon application of either party may issue *dedimus potestatem* directed to a commissioner, notary public, justice of the peace or any other officer authorized by law to administer oaths, to take the depositions of such witness or witnesses as may be necessary in the judgment of such applicant. Such *dedimus potestatem* may issue to any of the officers aforesaid in any state or territory of the United States or in any foreign country. The board shall have the power to adopt necessary rules to govern the issue of such *dedimus potestatem.* The board, or any member thereof, or any arbitrator designated by said board shall have the power to administer oaths, supoena and examine witnesses, to issue subpoenas *duces tecum,* requiring the production of such books, papers, records and documents as may be evidence of any matter under inquiry, and to examine and inspect the same and such places or premises as may relate to the question in dispute. Said board, or any member thereof, or any arbitrator designated by said board, shall on written request of either party to the dispute, issue subpoenas for the attendance of such witnesses and production of such books, papers, records and documents as shall be designated in said applications, *providing, however,* that the parties applying for such subpoena shall advance the officer and witness fees provided for in

suits pending in the Circuit Court. Service of such subpoenas shall be made by any sheriff or constable or other person. In case any person refuses to comply with an order of the board or subpoenas issued by it or by any member thereof, or any arbitrator designated by said board or to permit an inspection of places or premises, or to produce any books, papers, records, or documents, or any witness refuses to testify to any matters regarding which he may be lawfully interrogated, the County Court of the county in which said hearing or matter is pending, on application of any member of the board or any arbitrator designated by the board, shall compel obedience by attachment proceedings, as for contempt, as in a case of disobedience of the requirements of a subpoena from such court on a refusal to testify therein.

The board at its expense shall provide a stenographer to take the testimony and record of proceedings at the hearings before an arbitrator, committee of arbitration, or the board, and said stenographer shall furnish a transcript of such testimony or proceedings to any person requesting it upon payment to him therefor of five cents per one hundred words for the original and three cents per one hundred words for each copy of such transcript.

The board shall have the power to determine the reasonableness and fix the amount of any fee or compensation charged by any person for any service performed in connection with this Act, or for which payment is to be made under this Act or rendered in securing any right under this Act. [Amended by Act approved May 31, 1917.

§ 17. BLANK FORMS—BOOKS AND RECORDS.] The board shall cause to be printed and furnish free of charge upon request by any employer or employee such blank forms as it shall deem requisite to facilitate or promote the efficient administration of this Act, and the performance of the duties of the board; it shall provide a proper record in which shall be entered and indexed the name of any employer who shall file a notice of declination or withdrawal under this Act, and the date of the filing thereof; and a proper record in which shall be entered and indexed the name of any employee who shall file such a notice of declination or withdrawal, and the date of the filing thereof; and such other notices as may be required by the terms and intendment of this Act; and records in which shall be recorded all proceedings, orders and awards had or made by the board, or by the arbitration committees, and such other books or records as it shall deem necessary, all such records to be kept in the office of the board.

§ 18. QUESTIONS DETERMINED BY INDUSTRIAL BOARD.] All questions arising under this Act, if not settled by agreement of the parties interested therein, shall, except as otherwise provided, be determined by the industrial board.

§ 19. DISPUTED QUESTIONS OF LAW OR FACT—COMMITTEE OF ARBITRATION—DECISION—PETITION FOR REVIEW—PHYSICIAN—DECISION OF INDUSTRIAL BOARD—REVIEW BY SUPREME COURT—CIRCUIT COURT TO RENDER JUDGMENT—REVIEW AFTER AWARD—ADDRESS TO BE FILED—NOTICE.] Any disputed questions of law or fact shall be determined as herein provided.

(a) It shall be the duty of the industrial commission upon notification that the parties have failed to reach an agreement, to designate an arbitrator; *provided,* that if the compensation claimed is for a partial permanent or total permanent incapacity or for death, then the dispute may, at the election of either party, be determined by a committee of arbitration, which election for determination by a committee shall be made by petitioner filing with the commission his election in writing with his petition or by the other party filing with the commission his election in writing within five days of notice to him of the filing of the petition, and thereupon it shall be the duty of the industrial commission, upon either of the parties having filed their election for a committee of arbitration as above provided, to notify both parties to appoint their respective representatives on the committee of arbitration. The commission shall designate an arbitrator to act as chairman, and if either party fails to appoint its members on the committee within seven days after notification as above provided, the commission shall appoint a person to fill the vacancy and notify the parties to that effect. The party filing his election for a committee of arbitration shall with his election deposit with the commission the sum of twenty dollars, to be paid by the commission to the arbitrators selected by the parties as compensation for their services as arbitrators, and upon a failure to deposit as aforesaid, the election shall be void and the determination shall be by an arbitrator designated by the commission. The members of the committee of arbitration appointed by either of the parties or one appointed by the commission to fill a vacancy by reason of the failure of one of the parties to appoint, shall not be a member of the commission or an employee thereof.

(b) The arbitrator or committee of arbitration shall make such inquiries and investigations as he or they shall deem necessary and may examine and inspect all books, papers, records, places, or premises relating to the questions in dispute and hear such proper evidence as the parties may submit. The hearings before the arbitrator or committee of arbitration shall be held in the vicinity where the injury occurred, after ten days' notice of the time and place of such hearing shall have been given to each of the parties or their attorneys of record. The decision of the arbitrator or committee of arbitration shall be filed with the industrial commission, which commission shall immediately send to each party or his attorney a copy of such decision, together with a notification of the time when it was filed, and unless a petition for a review is filed by either party within fifteen days after the receipt by said party of the copy of said decision and notification of time when filed, and unless such party petitioning for a review shall within twenty days after the receipt by him of the copy of said decision, file with the commission either an agreed statement of the facts appearing upon the hearing before the arbitrator or committee of arbitration, or if such party shall so elect, a correct stenographic report of the proceedings at such hearings, then the decision shall become the decision of the industrial commission and in the absence of fraud shall be con-

clusive: *Provided,* that such industrial commission may for sufficient cause shown grant further time not exceeding thirty days, in which to petition for such review or to file such agreed statements or stenographic report. Such agreed statement of facts or correct stenographic report, as the case may be, shall be authenticated by the signatures of the parties or their attorneys, and in the event they do not agree as to the correctness of the stenographic report it shall be authenticated by the signature of the arbitrator designated by the commission.

(c) The industrial commission may appoint, at its own expense, a duly qualified, impartial physician to examine the injured employee and report to the commission. The fee for this service shall not exceed five dollars and traveling expenses, but the commission may allow additional reasonable amounts in extraordinary cases. The fees and the payment thereof of all attorneys and physicians for services authorized by the commission under this Act shall, upon request of either the employer or the employee or the beneficiary affected, be subject to the review and decision of the industrial commission.

(d) If any employee shall persist in insanitary or injurious practices which tend to either imperil or retard his recovery or shall refuse to submit to such medical, surgical, or hospital treatment as is reasonably essential to promote his recovery, the commission may, in its discretion, reduce or suspend the compensation of any such injured employee.

(e) If a petition for review and agreed statement of facts or stenographic report is filed, as provided herein, the industrial commission shall promptly review the decision of the arbitrator or committee of arbitration and all questions of law or fact which appear from the said statement of facts or stenographic report, and such additional evidence as the parties may submit. After such hearing upon review, the commission shall file in its office its decision thereon, and shall immediately send to each party or his attorney a copy of such decision and a notification of the time when it was filed.

Such review and hearing may be held in its office or elsewhere as the commission may deem advisable: *Provided,* that the taking of testimony on such hearing may be had before any member of the commission and in the event either of the parties may desire an argument before others of the commission, such argument may be had upon written demand therefor filed with the commission within five days after the commencement of such taking of testimony, in which event such argument shall be had before not less than a majority, of the commission: *Provided,* that the commission shall give ten days' notice to the parties or their attorneys of the time and place of such taking of testimony and of such argument.

In any case the commission in its decision may in its discretion find specially upon any question or questions of law or fact which shall be submitted in writing by either party, whether ultimate or otherwise. Any party may, within twenty days after receipt of notice of the commission's decision, or within such further time, not exceeding thirty days, as the commission may grant, file with the commission

either an agreed statement of the facts appearing upon the hearing, or, if such party shall so elect a correct stenographic report of the additional proceedings presented before the commission, in which report the party may embody a correct statement of such other proceedings in the case as such party may desire to have reviewed, such statement of facts or stenographic report to be authenticated by the signatures of the parties or their attorneys, and in the event that they do not agree, then the authentication of such stenographic report shall be by the signature if [of] any member of the commission. If a reporter does not for any reason furnish a transcript of the proceedings before the arbitrator in any case for use on a hearing for review before the industrial commission, within thirty days (30) days of the filing of the petition for review, the industrial commission may, in its discretion, order a trial *do novo* before the industrial commission in such case, upon application of either party. The applications for adjustment of claim and other documents in the nature of pleadings filed by either party, together with the decisions of the arbitrator and of the industrial commission and the statement of facts or stenographic reports hereinbefore provided for in paragraphs (b) and (c) shall be the record of the proceedings of said commission, and shall be subject to review as hereinafter provided.

(f) The decision of the industrial commission acting within its powers, according to the provisions of paragraph (e) of this section shall, in the absence of fraud, be conclusive unless reviewed as in this paragraph hereinafter provided.

(1) The Circuit Court of the county where any of the parties defendant may be found shall by writ of *certiorari* to the industrial commission have power to review all questions of law and fact presented by such record: *Provided,* that no additional evidence shall be heard in the Circuit Court, and the findings of fact made by the commission shall not be set aside unless contrary to the manifest weight of the evidence, except such as arise in a proceeding in which under paragraph (b) of this section a decision of the arbitrator or committee of arbitration has become the decision of the industrial commission. Such writ shall be issued by the clerk of such court upon praecipe. Service upon any member of the industrial commission or the secretary thereof shall be service on the commission, and service upon other parties interested shall be by *scire facias,* or service may be made upon said commission and other parties in interest by mailing notice of the commencement of the proceedings and the return day of the writ to the office of said commission and the last known place of residence of the other parties in interest at least ten days before the return day of said writ. Such suit by writ of *certiorari* shall be commenced within twenty days of the receipt of notice of the decision of the commission.

The industrial commission shall not be required to certify the record of their proceedings to the Circuit Court, unless the party commencing the proceedings for review in the Circuit Court, as above provided, shall pay to the commission the sum of five cents per one hundred words of testimony taken before said commission and three

cents per one hundred words of all other matters contained in such record.

In its decision on review the industrial commission shall determine in each particular case the amount of the probable cost of the record to be filed as a return to the writ of *certiorari* in that case and no *praecipe* for a writ of *certiorari* may be filed and no writ of *certiorari* shall issue unless the party seeking to review the decision of the industrial commission shall exhibit to the clerk of the said Circuit Court a receipt showing payment of the sums so determined to the secretary of the industrial commission.

(2) No such writ of *certiorari* shall issue unless the one against whom the industrial commission shall have rendered an award for the payment of money shall upon the filing of his *praecipe* for such writ filed with the clerk of said court a bond conditioned that if he shall not successfully prosecute said writ, he will pay the said award and the cost of the proceedings in said court. The amount of the bond shall be fixed by any member of the industrial commission and the surety or sureties on said bond shall be approved by the clerk of said court.

The court may confirm or set aside the decision of the industrial commission. If the decision is set aside and the facts found in the proceedings before the commission are sufficient, the court may enter such decision as is justified by law, or may remand the cause to the industrial commission for further proceedings and may state the questions requiring further hearing, and give such other instructions as may be proper.

Judgments and orders of the Circuit Court under this Act shall be reviewed only by the Supreme Court upon a writ of error which the Supreme Court in its discretion may order to issue, if applied for not later than the second day of the first term of the Supreme Court following the rendition of the Circuit Court judgment or order sought to be reviewed: *Provided,* that if the first day of said term is less than thirty days from the rendition of said judgment or order, then application for said writ of error may be made not later than the second day of the second term following the rendition of said judgment or order.

The writ of error when issued shall operate as a *supersedeas.*

The bond filed with the *praecipe* for the writ of *certiorari* as provided in this paragraph shall operate as a stay of the judgment or order of the Circuit Court until the time shall have passed within which an application for a writ of error can be made, and until the Supreme Court has acted upon the application for a writ of error, if such application is made.

The decision of a majority of the members of the committee of arbitration or of the industrial commission shall be considered the decision of such committee or commission respectively.

(g) Either party may present a certified copy of the decision of the industrial commission, when no proceedings for review thereof have been taken, or of the decision of such arbitrator or committee of arbitration when no claim for review is made, or of the decision of the industrial commission after hearing upon review, providing for the payment of compensation according to this Act, to the Circuit

Court of the county in which such accident occurred or either of the parties are residents, whereupon said court shall render a judgment in accordance therewith; and in case where the employer does not institute proceedings for review of the recision of the industrial commission and refuses to pay compensation according to the award upon which such judgment is entered, the court shall, in entering judgment thereon, tax as costs against him the reasonable costs and attorney fees in the arbitration proceedings and in the court entering the judgment, for the person in whose favor the judgment is entered, which judgment and costs, taxed as herein provided shall, until and unless set aside, have the same effect as though duly rendered in an action duly tried and determined by said court, and shall with like effect, be entered and docketed. The Circuit Court shall have power, at any time, upon application, to make any such judgment conform to any modification required by any subsequent decision of the Supreme Court upon appeal, or as the result of any subsequent proceedings for review, as provided in this Act.

Judgment shall not be entered until fifteen days' notice of the time and place of the application for the entry of judgment shall be served upon the employer by filing such notice with the industrial commission which commission shall, in case it has on file the address of the employer or the name and address of its agent, upon whom notices may be served, immediately send a copy of the notice to the employer or such designated agent; and no judgment shall be entered in the event the employer shall file with the said commission its bond with good and sufficient surety in double the amount of the award, conditioned upon the payment of said award in the event the said employer shall fail to prosecute with effect proceedings for review of the decision or the said decision, upon review, shall be affirmed.

(h) An agreement or award under this Act providing for compensation in installments, may at any time within eighteen months after such agreement or award be reviewed by the industrial commission at the request of either the employer or the employee, on the ground that the disability of the employee has subsequently recurred, increased, diminished or ended; and on such review, compensation payments may be re-established, increased, diminished or ended; *provided,* that the commission shall give fifteen days' notice to the parties of the hearing for review: *And, provided, further,* any employee, upon any petition for such review being filed by the employer, shall be entitled to one day's notice for each one hundred miles necessary to be traveled by him in attending the hearing of the commission upon said petition and three days in addition thereto, and such employee shall, at the discretion of the commission, also be entitled to five cents per mile necessarily traveled by him in attending such hearing, not to exceed a distance of 300 miles, to be taxed by the commission as costs and deposited with the petition of the employer.

(i) Each party, upon taking any proceedings or steps whatsoever before any arbitrator, committee of arbitration, industrial commission or court, shall file with the industrial commission his address, or the name and address of any agent upon whom all notices to be

given to such party shall be served, either personally or by registered mail, addressed to such party or agent at the last address so filed with the industrial commission: *Provided,* that in the event such party has not filed his address, or the name and address of an agent, as above provided, service of any notice may be had by filing such notice with the industrial commission.

(j) Whenever in any proceeding testimony has been taken or a final decision has been rendered, and after the taking of such testimony or after such decision has become final, the injured employee dies, then in any subsequent proceeding brought by the personal representative or beneficiaries of the deceased employee, such testimony in the former proceeding may be introduced with the same force and effect as though the witness having so testified were present in person in such subsequent proceeding and such final decision, if any shall be taken as a final adjudication of any of the issues which are the same in both proceedings.

(k) In any case where there has been any unreasonable or vexatious delay of payment or intentional under payment of compensation, or proceedings have been instituted or carried on by the one liable to pay the compensation, which do not present a real controversy, but are merely frivolous or for delay, then the commission may award compensation additional to that otherwise payable under this Act equal to fifty per centum of the amount payable at the time of such award. [Amended by Act approved June 29, 1921.

§ 20. INDUSTRIAL BOARD TO REPORT TO GOVERNOR.] The industrial board shall report in writing to the Governor on the 30th day of June, annually, the details and results of its administration of this Act, in accordance with the terms of this Act, and may prepare and issue such special bulletins and reports from time to time as in the opinion of the board, seems advisable.

§ 21. AWARD NOT SUBJECT TO LIEN—LIEN WHERE EMPLOYER INSOLVENT—DEATH.] No payment, claim, award or decision under this Act shall be assignable or subject to any lien, attachment or garnishment, or be held liable in any way for any lien, debt, penalty or damages. A decision or award of the industrial commission against an employer for compensation under this Act, or a written agreement by an employer to pay such compensation shall, upon the filing of a certified copy of the decision or said agreement, as the case may be, with the recorder of deeds of the county, constitute a lien upon all property of the employer within said county, paramount to all other claims or liens, except mortgages, trust deeds, or for wages or taxes, and such liens may be enforced in the manner provided for the foreclosure of mortgages under the laws of this State. Any right to receive compensation hereunder shall be extinguished by the death of the person or persons entitled thereto, subject to the provisions of this Act relative to compensation for death received in the course of employment: *Provided,* that upon the death of a beneficiary, who is receiving compensation provided for in section 7, leaving surviving a parent, sister or brother of the deceased employee, at the time of his death dependent upon him for support, who were receiving from such beneficiary a

contribution to support, then that proportion of the compensation of the beneficiary which would have been paid but for the death of the beneficiary, but in no event exceeding said unpaid compensation, which the contribution of the beneficiary to the dependent's support within one year prior to the death of the beneficiary bears to the compensation of the beneficiary within that year, shall be continued for the benefit of such dependents, notwithstanding the death of the beneficiacy. [Amended by Act approved June 28, 1919.

§ 22. CONTRACT WITHIN SEVEN DAYS AFTER INJURY PRESUMED FRAUDULENT.] Any contract or agreement made by any employer or his agent or attorney with any employee or any other beneficiary of any claim under the provisions of this Act within seven days after the injury shall be presumed to be fraudulent.

§ 23. WAIVER OF PROVISIONS MUST BE APPROVED BY INDUSTRIAL BOARD.] No employee, personal representative, or beneficiary shall have power to waive any of the provisions of this Act in regard to the amount of compensation which may be payable to such employee, personal representative or beneficiary hereunder except after approval by the industrial board.

§ 24. NOTICE OF ACCIDENT.] No proceedings for compensation under this Act shall be maintained unless notice of the accident has been given to the employer as soon as practicable, but not later than thirty days after the accident. In cases of mental incapacity of the employee notice must be given within six months after such accident. No defect or inaccuracy of such notice shall be a bar to the maintenance of proceedings of arbitration or otherwise by the employee unless the employee proves that he is unduly prejudiced in such proceedings by such defect or inaccuracy. Notice of the accident shall state the name and address of the employee injured, the approximate date and place of the accident, if known, and in simple language the cause thereof; which notice may be served personally or by registered mail, addressed to the employer at his last known residence or place of business; *provided* no proceedings for compensation under this Act shall be maintained unless claim for compensation has been made within six months after the accident, or in the event that payments have been made under the provisions of this Act unless written claim for compensation has been made within six months after such payments have ceased and a receipt therefor or a statement of the amount of compensation paid shall have been filed with the commission: *Provided,* that no employee who after the accident returns to the employment of the employer in whose services he was injured shall be barred for failure to make such claim if an application for adjustment of such claim is filed with the industrial commission within eighteen months after he returns to such employment and the said commission shall give notice to the employer of the filing of such application in the manner provided in this Act. [Amended by Act approved June 29, 1921.

§ 25. HOW EMPLOYER MAY BE RELIEVED OF LIABILITY FOR COMPENSATION.] Any employer against whom liability may exist for compensation under this Act shall upon the order and direction of the industrial commission:

(a) Deposit the commuted value of the total unpaid compensation for which such liability exists, computed at three percentum per annum in the same manner as provided in section 9, with the State Treasurer, or county treasurer in the county where the accident happened, or with any State or National bank or trust company doing business in this State, or in some other suitable depository approved by the industrial commission: *Provided,* that any such depository to which such compensation may be paid, shall pay the same out in installments as in this Act provided, unless such sum is ordered paid in, and is commuted to a lump sum payment in accordance with the provisions of this Act; or

(b) Purchase an annuity, in an amount of compensation due or computed, under this Act within the limitation provided by law in any insurance company granting annuities and licensed or permitted to do business in this State which may be designated by the employer or the industrial commission. [Amended by Act approved June 21, 1921.

§ 26. PROVISION TO BE MADE BY EMPLOYER ELECTING TO PAY COMPENSATION—APPROVAL OF INDUSTRIAL BOARD—WHEN PROVISION NOT MADE OR NOT APPROVED—INSURANCE LIABILITY—FAILURE TO COMPLY.] (a) Any employer who shall come within the provisions of section 3 of this Act, and any other employer who shall elect to provide and pay the compensation provided for in this Act shall:

(1) File with the commission a sworn statement showing his financial ability to pay the compensation provided for in this Act, or

(2) Furnish security, indemnity or a bond guaranteeing the payment by the employer of the compensation provided for in this Act, or

(3) Insure to a reasonable amount his liability to pay such compensation in some corporation or organization authorized, licensed or permitted to do such insurance business in this State, or

(4) Make some other provisions for the securing of the payment of compensation provided for in this Act, and

(5) Upon becoming subject to this Act and thereafter as often as the commission may in writing demand, file with the commission in form prescribed by it evidence of his compliance with the provisions of this paragraph.

(b) The sworn statement of financial ability, or security, indemnity or bond, or amount of insurance, or other provisions, filed, furnished, carried, or made by the employer, as the case may be, shall be subject to the approval of the commission, upon the approval of which, the commission shall send to the employer written notice of its approval thereof. The filing with the commission of evidence of compliance with paragraph (a) of this section as therein provided shall constitute such compliance until ten days after written notice of the employer of the disapproval by the commission.

(c) Whenever the industrial commission shall find that any corporation, company, association, aggregation of individuals, or other insurer affecting workmen's compensation insurance in this State shall be insolvent, financially unsound, or unable to fully meet all payments and liabilities assumed or to be assumed for compensation

insurance in this State, or shall practice a policy of delay or unfairness toward employees in the adjustment, settlement, or payment of benefits due such employees, the said industrial commission may after reasonable notice and hearing order and direct that such corporation, company, association, aggregation of individuals, or insurer, shall from and after a date fixed in such order discontinue the writing of any such workmen's compensation insurance in this State. Subject to such modification of said order as the commission may later make on review of said order, as herein provided, it shall thereupon be unlawful for any such corporation, company, association, aggregation of individuals, or insurer to effect any workmen's compensation insurance in this State. Any such order made by said industrial commission shall be subject to review by the courts, as in the case of other orders of said industrial commission, provided that upon said review the Circuit Court shall have power to review all questions of fact as well as of law.

(d) The failure or neglect of an employer to comply with the provisions of paragraph (a) of this section shall be deemed a misdemeanor punishable by a fine equal to ten cents per each employee of such employer at the time of such failure or neglect, but not less than one dollar nor more than fifty dollars, for each day of such refusal or neglect until the same ceases. Each day of such refusal or neglect shall constitute a separate offense. [Amended by Act approved June 28, 1919.

§ 27. NOT AFFECT CONTINUANCE OF ANY EXISTING INSURANCE, ETC.—NOT PREVENT EMPLOYER FROM INSURING—EMPLOYEE MAY INSURE FOR ADDITIONAL BENFITS.] (a) This Act shall not affect or disturb the continuance of any existing insurance, mutual aid, benefit or relief association or department, whether maintained in whole or in part by the employer or whether maintained by the employees, the payment of benefits of such association or department being guaranteed by the employer or by some person, firm or corporation for him: *Provided,* the employer contributes to such association or department an amount not less than the full compensation herein provided, exclusive of the cost of the maintenance of such association or department and without any expense to the employee. This Act shall not prevent the organization and maintaining under the insurance laws of this State of any benefit or insurance company for the purpose of insuring against the compensation provided for in this Act, the expense of which is maintained by the employer. This Act shall not prevent the organization or maintaining under the insurance laws of this State of any voluntary mutual aid, benefit or relief association among employees for the payment of additional accident or sick benefits.

(b) No existing insurance, mutual aid, benefit or relief association or department shall, by reason of anything herein contained be authorized to discontinue its operation without first discharging its obligations to any and all persons carrying insurance in the same or entitled to relief or benefits therein.

(c) Any contract, oral, written or implied, of employment providing for relief benefit, or insurance or any other device whereby

the employee is required to pay any premium or premiums for insurance against the compensation provided for in this Act shall be null and void, and any employer withholding from the wages of any employee any amount for the purpose of paying any such premium shall be guilty of a misdemeanor and punishable by a fine of not less than ten dollars nor more than one thousand dollars, or imprisonment in the county jail for not more than six months, or both, in the discretion of the court.

§ 28. In case of employer's insolvency subrogated to his rights against any insurance company.] In the event the employer does not pay the compensation for which he is liable, then an insurance company, association or insurer which may have insured such employer against such liability shall become primarily liable to pay to the employee, his personal representative or beneficiary the compensation required by the provisions of this Act to be paid by such employer. The insurance carrier may be made a party to the proceedings to which the employer is a party and an award may be entered jointly against the employer and the insurance carrier. [Amended by Act approved June 28, 1919.

§ 29. Where injury caused under circumstances creating a legal liability in some person other than the employer.] Where an injury or death for which compensation is payable by the employer under this Act, was not proximately caused by the negligence of the employer or his employees, and was caused under circumstances creating a legal liability for damages in some person other than the employer to pay damages, such other person having also elected to be bound by this Act, or being bound thereby under section three (3) of this Act, then the right of the employee or personal representative to recover against such other person shall be subrogated to his employer and such employer may bring legal proceedings against such other person to recover the damages sustained in an amount not exceeding the aggregate amount of compensation payable under this Act, by reason of the injury or death of such employee. Where the injury or death for which compensation is payable under this Act, was not proximately caused by the negligence of the employer or his employees and was caused under circumstances creating a legal liability for damages on the part of some person other than the employer to pay damages, such other person having elected not to be bound by this Act, then legal proceedings may be taken against such other person to recover damages notwithstanding such employer's payment of or liability to pay compensation under this Act, but in such case if the action against such other person is brought by the injured employee or his personal representative and judgment is obtained and paid, or settlement is made with such other person, either with or without suit, then from the amount received by such employee or personal representative there shall be paid to the employer the amount of compensation paid or to be paid by him to such employee or his personal representative: *Provided*, that if the injured employee or his personal representative shall agree to receive compensation from the employer or to institute proceedings to recover the same or accept

from the employer any payment on account of such compensation, such employer shall be subrogated to all the rights of such employee or personal representative and may maintain, or in case an action has already been instituted, may continue an action either in the name of the employee or personal representative or in his own name against such other person for the recovery of damages to which but for this section the said employee or personal representative would be entitled, but such employer shall nevertheless pay over to the injured employee or personal representative, all sums collected from such other person by judgment or otherwise in excess of the amount of such compensation paid or to be paid under this Act, and all costs, attorneys' fees and reasonable expenses incurred by such employer in making such collection and enforcing such liability. [Amended by Act approved June 25, 1917.

§ 30. Report of accident, etc., by employer to industrial board.] It shall be the duty of every employer within the provisions of this Act to send to the industrial board in writing an immediate report of all accidental injuries arising out of or in the course of the employment and resulting in death; it shall also be the duty of every such employer to report between the 15th and the 25th of each month to the industrial board all accidental injuries for which compensation has been paid under this Act, which injuries entail a loss to the employee of more than one week's time, and in case the injury results in permanent disability, a further report shall be made as soon as it is determined that such permanent disability has resulted or will result from such injury. All reports shall state the date of the injury, including the time of day or night, the nature of the employer's business, the name, address, the age, sex, conjugal condition of the injured person the specific occupation of the injured person, the direct cause of the injury and the nature of the accident, the character of the injury, the length of disability, and, in case of death, the length of disability before death, the wages of the injured person, whether compensation has been paid to the injured person, or to his legal representatives or his heirs or next of kin, the amount of compensation paid, the amount paid for physicians', surgeons' and hospital bills, and by whom paid, and the amount paid for funeral or burial expenses, if known. The making of reports as provided herein shall release the employer covered by the provisions of this Act from making such reports to any other officer of the State.

§ 31. Who included in term "employer"—contracting with others to do the work.] Any one engaging in any business or enterprise referred to in sub-sections 1 and 2 of section 3 of this Act who undertakes to do any work enumerated therein, shall be liable to pay compensation to his own immediate employees in accordance with the provisions of this Act, and in addition thereto if he directly or indirectly engages any contractor whether principal or sub-contractor to do any such work, he shall be liable to pay compensation to the employees of any such contractor or sub-contractor unless such contractor or sub-contractor shall have insured, in any company or association authorized under the laws of this State to insure the liability to pay

compensation under this Act, or guaranteed his liability to pay such compensation.

In the event any such person shall pay compensation under this section he may recover the amount thereof from the contractor or sub-contractor, if any, and in the event the contractor shall pay compensation under this section he may recover the amount thereof from the sub-contractor, if any.

This section shall not apply in any case where the accident occurs elsewhere than on, in or about the immediate premises on which the principal has contracted that the work shall be done. [Amended by Act approved June 28, 1919.

§ 32. RIGHT OF ACTION ACCRUING BEFORE TAKING EFFECT OF THIS ACT—IF THIS ACT REPEALED, ETC.—CLAIM UNDER PREVIOUS ACT HOW ADJUSTED.] If any of the provisions of this Act providing for compensation for injuries to or death of employees shall be repealed or adjudged invalid or unconstitutional, the period intervening between the occurrence of an injury or death and such repeal or final adjudication of invalidity, shall not be computed as a part of the time limited by law for the commencement of any action relating to such injury or death, but the amount of any compensation which may have been paid for any such injury shall be deducted from any judgment for damages recovered on account of such injury. Any claim, disagreement or controversy existing or arising under "An Act to promote the general welfare of the people of this State, by providing compensation for accidental injuries or death suffered in the course of employment," approved June 10, 1911, in force May 1, 1912, shall be adjusted in accordance with the provisions of said Act, notwithstanding the repeal thereof, or may by agreement of the parties be adjusted in accordance with the method of procedure provided in this Act for the adjustment of differences, jurisdiction to adjust such differences so submitted by the parties being hereby conferred upon the industrial board or committee of arbitration provided for in this Act. [Amended by Act approved June 25, 1917.

§ 33. PENALTIES.] Any wilful neglect, refusal, or failure to do the things required to be done by any section, clause, or provision of this Act, on the part of the persons herein required to do them, or any violation of any of the provisions or requirements hereof, or any attempt to obstruct or interfere with any court officer, or any other person charged with the duty of administering or enforcing the provisions of this Act, shall be deemed a misdemeanor, punishable by a fine of not less than $10.00 nor more than $500.00 at the discretion of the court.

§ 33½. NAME OF ACT.] This Act may be cited as the Workmen's Compensation Act. [Added by an Act approved June 28, 1915.

§ 34. INVALIDITY.] The invalidity of any portion of this Act shall in no way affect the validity of any other portion thereof which can be given effect without such invalid part.

§ 35. REPEAL.] That an Act to promote the general welfare of the State of Illinois by providing compensation for accidental injuries or death suffered in the course of employment, approved June 10, 1911, in force May 1, 1912, be, and the same is, hereby repealed.

TABLE OF COMPENSATION.

To find the present value of any sum payable weekly, multiply that sum by the present value of $1 payable for the number of weeks for which such sum is payable.

EXAMPLE.—To find the present value of $7.20 payable at the end of each week for 100 weeks multiply $7.20 by the present value of $1 payable weekly for 100 weeks (shown in the tables to be $97.1833). $7.20 × 97.1833 = $699.72, present value.

PRESENT VALUE TABLES.

Present value at 3 per cent, compounded annually, at $1 per week, payable at the end of each week, for any term from one week up to eight years.

Term—weeks	0 years	1 year and —weeks	2 years and —weeks	3 years and —weeks	4 years and —weeks	5 years and —weeks	6 years and —weeks	7 years and —weeks
One	0.9994	52.1947	101.8989	150.1554	197.0064	242.4928	286.6543	329.5296
Two	1.9983	53 1654	102.8405	151.0695	197.8939	243.3544	287.4908	330.3417
Three	2.9966	54.1337	103.7814	151.9831	198.7808	244.2155	288.3269	331.1534
Four	3.9943	55.1024	103.7219	152.8962	199.6673	245.0762	289.1625	331.9647
Five	4 9915	56.0705	105.6618	153.8087	200.5533	245.9364	289.9976	332.7755
Six	5.9881	57.0381	106.6012	154.7207	201.4387	246.7960	290.8322	333.5858
Seven	6.9841	58.0051	107.5401	155.6323	202.3237	247.6552	291 6664	334.3957
Eight	7.9796	58.9716	108.4784	156.5432	203.2082	248.5139	292.5001	335.2051
Nine	8.9745	59.9375	109.4162	157.4537	204.0921	249.3721	293.3333	336.0140
Ten	9.9688	60.9029	110.3534	158.3637	204.9756	250.2298	294.1660	336.8225
Eleven	10.9626	61.8677	111.2901	159.2731	205 8585	251.8071	294.9983	337.3605
Twelve	11.9558	62.8320	112.2263	160.1820	206.7410	251.9438	295.8301	338.4331
Thirteen	12.9484	63.7957	113.1620	161.0904	207.6229	252.8001	296.6614	339.2452
Fourteen	13.9405	64.7589	114.0971	161.9983	208.5043	253.6558	297.4922	340.0518
Fifteen	14.9320	65.7215	115.0317	162.9057	209.3825	254.5111	298.3226	340.8580
Sixteen	15.9229	66.6836	115.9658	163.8125	210.2657	255.3659	299.1525	341.6637
Seventeen	16 9133	67.6451	116.8993	164.7189	211.1457	256.2202	299.9819	342.2690
Eighteen	17.9031	68.6061	117.8283	165 6247	212.0251	257.0741	300.8109	343.2738
Nineteen	18.8924	69.5666	118.7648	166.5300	212.9041	257.9274	301.6394	344 0782
Twenty	19.8811	70.6365	119.6967	167.4348	213.7825	258.7803	302.4674	344.8821
Twenty-one	20.8692	71.4858	120 6281	168.3391	214.6605	259.6326	303.2949	345.6855
Twenty-two	21.8568	72.4446	121.5590	169.2429	215.5379	260.4845	304.1220	346.4885
Twenty-three	22.8438	73.4029	122.4894	170.1461	216.4148	261 3359	304.9486	347.2911
Twenty-four	23.8303	74.3606	123.4192	171.9489	217.2913	262.1868	305.7748	348.0931
Twenty-five	24.8161	75.3178	124.2485	171.6511	218.1672	263.0373	306.6004	348.8947
Twenty-six	25.8050	76 2744	125.2772	172.8528	219.0427	263.8872	307.4256	349.6959
Twenty-seven	26.7862	77.2305	126.2055	173.7540	219.9176	264.7367	308.2504	350.4966
Twenty-eight	27.7705	78.1860	127.1332	174.6547	220.7921	265.5857	308.9746	351.2969
Twenty-nine	28.7541	79.1410	128.0604	175.5549	221.6661	266.4342	309.8984	352.0967
Thirty	29.7372	80.0955	128.9870	176 4546	222.5395	267.2822	310.7217	352.8960
Thirty-one	30,7197	81.0494	129.9132	177.3537	223.4125	268.1298	311.5446	353.6949
Thirty-two	31.7017	82.0028	130.8388	178.2524	224.2850	268.9786	312.3670	354.4933
Thirty-three	32.6831	82.9556	131.7638	179.1505	225.1569	269.8234	313.1889	355.2913
Thirty-four	33.6640	83.9079	132.6884	190.0481	226.0248	270 6695	314.0103	356.0888
Thirty-five	24.6443	84.8596	133.6124	180.9452	226.8994	271.5151	314.8313	356.8859
Thirty-six	35.6240	85.8109	134.5259	181.8418	227.7699	272.3603	315.6519	357,6825
Thirty-seven	36.6032	86.7615	135.4589	182.7379	228.6399	273.2049	316.4719	358.4787
Thirty-eight	37.5818	87.7116	136.3814	183.6335	229.5094	274.0491	317.2915	359.2744
Thirty-nine	38.5599	88.6612	137.3033	184.5286	230.3784	274.8928	318.1106	360.0697
Forty	39.5374	89.6103	138.2247	185.4232	231.2469	275.7360	318.9293	360.8645
Forty-one	40.5144	90.5588	139.1456	186.3172	232 1149	276.5787	319.7475	361.6589
Forty-two	41.4908	91.5068	140.0659	187.2109	232.9825	277,4210	320.5652	362.4528
Forty-three	42.4667	92.4542	140.9858	188.1038	233.8495	278.2628	321.3825	363 2462
Forty-four	43.4420	93.4011	141.9051	188.9964	234.7160	279.1041	322.1993	364.0392
Forty-five	44.4167	94.3474	142 8239	189.8884	235.5812	279.9449	323.0156	364.8318
Forty-six	45.3909	95.2933	143.7421	190.7799	236.4467	280.7852	323.8315	365.6239
Forty-seven	46.3645	96.2385	144.6599	191.6709	237.3127	281.6251	324.6469	366.4156
Forty-eight	47.3376	97.1833	145.5771	192.5714	238.1773	284.9788	325.4618	367.2068
Forty-nine	48.3101	98.1275	146.4938	193.4514	239 0414	285.8173	326.2763	367.9975
Fifty	49.2821	99 0711	147.4100	194.2409	239.9049	282.4645	327.0903	368.7878
Fifty-one	50.2536	100.0143	148,3257	195.2299	240.7680	283.3034	327.9039	369.5777
Fifty-two	51.2244	100.9569	149.2408	196.1184	241.6307	284.1419	328.7169	370.3671

PRESENT VALUE TABLES—Continued.

Present value at 3 per cent, compounded annually, of $1 semi-monthly, payable at the end of each half month, for any term from one-half month up to eight years.

(For method of computation, see example given under weekly table.)

Term—half months	0 years	1 year and— months	2 years and— months	3 years and— months	4 years and— months	5 years and— months	6 years and— months	7 years and— months
One-half	.9978	24.6020	47.5272	69.7927	91.4194	112.4242	132.8254	152.6394
One	1.9962	25.5705	48.4676	70.7058	92.2060	113.2850	133.6611	153.4509
One and one-half	2.9925	26.5378	49.4068	71.6178	93.1915	114.1449	134.4961	154.2616
Two	3.9875	27.5040	50.3450	72.5288	94.9761	115.0038	135.3301	155.0714
Two and one-half	4.9812	28.4690	51.2821	73.4388	94.9597	115.8619	136.1633	155.8805
Three	5.9738	29.4329	52.2172	74.3477	95.8423	116.7190	136.9956	156.6887
Three and one-half	6.9651	30.3956	53.1520	75.2556	96.7240	117.5752	137.8270	157.4961
Four	7.9552	31.3571	54.0858	76.1624	97.6047	118.4305	138.6576	158.3027
Four and one-half	8.9441	32.3175	55.0186	77.0683	98.4844	119.2848	139.4873	159.1085
Five	9.9317	33.2767	55.9502	77.9731	99.3631	120.1383	140.3162	159.9134
Five and one-half	10.9182	34.2348	56.8807	78.8769	100.2409	120.9908	141.1444	160.7176
Six	11.9034	35.1917	57.8102	79.7796	101.1177	121.8425	141.9713	161.5210
Six and one-half	12.8874	36.1475	58.7385	80.6814	101.9936	122.6932	142.7976	162.3235
Seven	13.8702	37.1022	59.6658	81.5821	102.8685	123.5430	143.6231	163.1252
Seven and one-half	14.8517	38.0557	60.5921	82.4818	103.7424	124.3920	144.4477	163.9262
Eight	15.8321	39.0081	61.5172	83.3806	104.6154	125.2400	145.2714	164.7263
Eight and one-half	16.8113	39.9593	62.4413	84.2783	105.4875	126.0871	146.0943	165.5257
Nine	17.7893	40.9094	63.3643	85.1750	106.3585	126.9334	146.9163	166.2342
Nine and one-half	18.7661	41.8584	64.2863	86.0706	107.2287	127.7787	147.7375	167.1219
Ten	19.7417	42.8063	65.2071	86.9653	108.0979	128.6231	148.5579	167.9189
Ten and one-half	20.7161	43.7530	66.1270	87.8590	109.9661	129.4667	149,3774	168.7150
Eleven	21.6894	44.6986	67.0457	88.7517	109.8334	130.2094	150.1961	169.5104
Eleven and one-half	22.6614	45.6431	67.9635	89.6434	110.6998	131.1512	151.0139	170.3050
Twelve	23.6323	46.5857	68.8786	90.5319	111.5625	131.9887	151.8271	171.0944

OCCUPATIONAL DISEASES.

AN ACT *to amend section 15 of "An Act to promote the public health by protecting certain employees in this State from the dangers of occupational diseases, and providing for the enforcement thereof," approved May 26, 1911, in force July 1, 1911, as amended.*

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

SECTION 1. Section 15 of "An Act to promote the public health by protecting certain employees in this State from the dangers of occupational diseases, and providing for the enforcement thereof," approved May 26, 1911, in force July 1, 1911, as amended, is amended to read as follows:

§ 15. (a) For any injury to the health of any employee proximately caused by any wilful violation of section 1 of this Act, or wilful failure to comply with any of the provisions of section 1 of this Act, a right of action shall accrue to the party whose health has been so injured, for any direct damages sustained thereby; and in case of the loss of life by reason of such wilful violation or wilful failure as aforesaid, a right of action shall accrue to the widow of such deceased person, his lineal heirs or adopted children, or to any other person or persons who were, before such loss of life, dependent for support upon such deceased person, for a like recovery of damages for the injury sustained by reason of such loss of life not to exceed the sum of ten thousand dollars: *Provided,* that every such action for damages in case of death shall be commenced within one year after the death of such employee.

(b) 1. If an employee is disabled or dies, and his disability or death is caused by an occupational disease arising out of and in the course of his employment in one or more of the occupations referred to in section 2 of this Act, he or his dependents, as the case may be, shall be entitled to compensation, in the same manner and subject to the same terms, conditions and limitations as are now or may hereafter be provided by the Workmen's Compensation Act for accidental injuries sustained by employees arising out of and in the course of their employment; and for this purpose the disablement of an employee by reason of an occupational disease, arising out of and in the course of his employment in one or more of the occupations referred to in section 2 of this Act, shall be treated as the happening of an accidental injury.

2. As used in this subdivision (b) of this section, the word "disability" means the state of being disabled from earning full wages at the work at which the employee was last employed by the employer

from whom he claims compensation; the word "disablement" means the act of becoming disabled from earning full wages at the work at which the employee was last employed by the employer from whom he claims compensation; the words "occupational disease" mean a disease peculiar to and due to the nature of an employment in one or more of the occupations referred to in section 2 of this Act; and the word "occupations" means and includes each and every process, manufacture, employment, and process of manufacture or labor referred to in section 2 of this Act.

3. The industrial commission shall have jurisdiction over the operation and administration of this subdivision (b) of this section; and it shall have, exercise, perform and discharge the same rights, powers and duties with reference to this subdivision (b) of this section as it shall have, exercise, perform and discharge with reference to the Workmen's Compensation Act, or any amendments thereto or modifications thereof. Notice of the disablement shall be given to the employer, and claim for compensation shall be made, in the same manner and within the same periods of time, respectively, as are now or may hereafter be provided in the Workmen's Compensation Act concerning accidental injuries sustained by employees arising out of and in the course of their employment. Proceedings for compensation hereunder shall be had and maintained in the same manner as is now or may hereafter be provided by the Workmen's Compensation Act with reference to proceedings for compensation for accidental injuries. The procedure and practice provided in the Workmen's Compensation Act, and all amendments thereto and modifications thereof, shall apply to all proceedings hereunder.

4. This subdivision (b) of this section shall apply automatically and without election to all employees and employers engaged in the occupations referred to in section 2 of this Act. No common law or statutory right to recover damages for injury or death sustained by any employee by reason of an occupational disease arising out of and in the course of his employment in one or more of the occupations referred to in section 2 of this Act, other than the compensation herein provided, shall be available to any employee who is covered by the provisions of this subdivision (b) of this section, to any one wholly or partially dependent upon him, the legal representatives of his estate, or any one otherwise entitled to recover damages for such injury. The compensation herein provided, together with the provisions of this subdivision (b) of this section, shall be the full, complete and only measure of responsibility of any employer engaged in any of the occupations referred to in section 2 of this Act.

5. Any common law or statutory right of action to recover damages for injury to the health or death sustained by an employee in this State from an occupational disease prior to the taking effect hereof shall not be affected by this Act and every such existing right of action is continued and nothing in this Act shall be construed as limiting the right of such action so accrued before the taking effect of this Act.

Approved June 21, 1923.

UNIVERSITY OF ILLINOIS-URBANA
3 0112 120235475